

IN THE UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

JOSE DEL TRANCITO GARCIA-TERUEL,

Defendant.

No. 1:15-CR-290 (LO)

MOTION TO RESCHEDULE WITNESS DEPOSITION

The United States, by and through undersigned counsel, hereby requests that the Court re-schedule the deposition currently scheduled for June 1, 2021 at 2:00 PM. In support thereof, the United States proffers the following.

1. On April 22, 2021, the Court ordered the deposition of an incarcerated, cooperating witness to take place on June 1, 2021, at 2:00 PM.

2. On April 23, the United States submitted a *Request of United States Attorney for Production of Federal Prisoner in the Custody of the United States* (Form USA-475) to the USMS to bring the defendant to the Eastern District of Virginia for the scheduled deposition on June 1.

3. On May 3, the United States, through the undersigned counsel, confirmed with the USMS that the USA-475 was properly submitted and that USMS would accommodate the due date provided in the USA-475.

4. On May 18 and May 19, counsel again asked the USMS for an update on the defendant's transportation to EDVA.

5. On May 24, counsel learned from the witness's attorney that he had not yet departed from FCI Big Spring in Texas. The United States again contacted the USMS.

6. On May 25, the USMS informed counsel that there was “a glitch” in the processing system. The USMS further informed counsel that the witness would not leave his prison until June 7th, at which point he would be brought to Oklahoma, the transfer point for prisoner transportation. On May 26, the USMS further stated that the witness would not arrive in Virginia until June 14th.

7. Defense Counsel indicated she is unavailable on June 21 and 22. Defense Counsel further indicated she might have a scheduling conflict on June 23 and 24, but she was not sure.

8. The United States has provided to defense counsel the Jencks material for this witness that it has in its possession. The United States needs to meet with the witness and his counsel in order to finalize discovery prior to the deposition.

9. The United States requests that the Court re-schedule this matter during the week of June 21st. As indicated in our prior motion, the witness trafficked cocaine with the defendant and also delivered drug proceeds for him. Based on other cooperation already provided, the witness is expected to receive a supplemental Rule 35 filing and be deported prior to the commencement of this trial. Continuing this matter into July would deny the witness the benefits of his cooperation.

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10. A proposed order is attached.

Respectfully submitted,

Raj Parekh
Acting United States Attorney

/s/

By:

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

_____/s/_____
Anthony T. Aminoff
Assistant United States Attorney